

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS AUSTIN HILL,

Petitioner,

v.

B. M. TRATE,

Respondent.

Case No.: 1:22-cv-01433-KJM-CDB

ORDER DISCHARGING ORDER TO SHOW
CAUSE IN WRITING WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
PETITIONER'S FAILURE TO FILE AN
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO RESPONDENT'S MOTION
TO DISMISS

45-DAY DEADLINE

Clerk of the Court to Update Petitioner's
Address and Effect Service

Petitioner Thomas Austin Hill is proceeding pro se and *in forma pauperis* in this habeas action pursuant to 28 U.S.C. § 2241.

Background

After granting Petitioner two extensions of time, the extended deadline by which Petitioner was to file a notice of change of address and respond to Respondent's motion to dismiss was January 16, 2025. (Doc. 27). Petitioner failed to file either an opposition, a statement of non-opposition to the motion, or a notice of change of address, or otherwise explain his delinquency, by that date. On January 22, 2025, the Court ordered Petitioner to show cause in writing why this action should not be dismissed for his failure to file an opposition or statement of

1 non-opposition to Respondent's motion to dismiss. (Doc. 28).

2 The Court advised Petitioner that he had failed to comply with the Court's orders and
3 Local Rules 182(f) and 183(b). After consulting the Bureau of Prisons' inmate database and
4 learning Petitioner's custodial facility had changed (to FCI-Williamsburg), the Court directed the
5 Clerk of the Court to update Petitioner's address in the docket. *See id.*

6 On February 12, 2025, Petitioner filed a response to the Court's show cause order. (Doc.
7 29). Briefly stated, Petitioner attests that he has not responded to the motion to dismiss because
8 he has not received it. He states he has been at FCI Williamsburg for two months and received no
9 legal mail as long as he has been there. He states that, upon arrival, he sent a change of address to
10 the Court but was unsure if it was sent out. Petitioner seeks a 30-day extension to allow him to
11 obtain the motion to dismiss. The response is dated February 2, 2025. Petitioner provides his
12 address as #01699-000, FCI Williamsburg, POB 340, Salters, South Carolina 29590. *See id.*

13 The Court accepts Petitioner's written response and will discharge the order to show cause
14 accordingly. The Court will direct the Clerk of the Court to update Petitioner's address and send
15 Petitioner a copy of the motion to dismiss. Additionally, based on Petitioner's representations,
16 the Court finds good cause to grant a larger extension than is requested to allow for time for
17 service by mail. The Court will grant Petitioner a 45-day extension to file his opposition or
18 statement of non-opposition to the motion.

19 **Conclusion and Order**

20 Accordingly, in light of the Petitioner's representations and good cause appearing, IT IS
21 HEREBY ORDERED that:

- 22 1. Petitioner's motion for an extension of time is GRANTED and Petitioner shall
23 have 45 days from the date of service of this order to file a response to
24 Respondent's motion to dismiss (Doc. 22); and

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2. The Clerk of the Court is directed to update Petitioner's address to #01699-000, FCI Williamsburg, Federal Correctional Institution, P.O. Box 340, Salters, South Carolina 29590, and include with its service copy upon Petitioner of this order a copy of Respondent's motion to dismiss (Doc. 22).

IT IS SO ORDERED.

Dated: February 13, 2025


UNITED STATES MAGISTRATE JUDGE